

Justification for Proposal and Preliminary Environmental Description Form

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the proposed project site to allow the Commission, its staff and others to adequately assess the project. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your project. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL:

Consolidation of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District

2. NAME OF APPLICANT: San Bernardino Valley Municipal Water District

MAILING ADDRESS:

1350 South "E" Street, P.O. Box 5906

San Bernardino, CA 92412

PHONE: (909) 387-9200

FAX: (909) 387-9211

E-MAIL ADDRESS: douglash@sbsvmwd.com

3. GENERAL LOCATION OF PROPOSAL:

Eastern portion of the San Bernardino Valley. The territory of the San Bernardino Valley Water Conservation District lies wholly within the current boundary of the San Bernardino Valley Municipal Water District. No boundary changes are proposed for the San Bernardino Valley Municipal Water District.

4. Does the application possess 100% written consent of each landowner in the subject territory?

YES ___ NO X If YES, provide written authorization for change.

5. Indicate the reasons that the proposed action has been requested.

- a. Under its principal act of the Municipal Water District Law of 1911 commencing with California Water Code Section 71000, the San Bernardino Valley Municipal Water District is authorized to provide the services currently provided by the San Bernardino Valley Water Conservation District.
- b. The San Bernardino Valley Municipal Water District has the legal authority and responsibility to manage the groundwater resources of the San Bernardino Valley in accordance with the Orange County Judgment (Orange County Water District v. City of Chino *et al.* [1969]) and the Western Judgment (Western Municipal Water District v. East San Bernardino County Water District *et al.* [year]).
- c. The services provided by the San Bernardino Valley Water Conservation District benefit a portion of the Bunker Hill Basin whereas services provided by the San Bernardino Valley Municipal Water District could benefit the entire San Bernardino Valley.
- d. The consolidation will provide greater public accountability by eliminating one governmental entity and redundancy of governmental jurisdictions.

- e. The groundwater producers, ratepayers and taxpayers would realize an economic benefit from the consolidation through the elimination of the groundwater assessment, with no reduction in service levels.
 - f. On March 15, 2006, the San Bernardino Local Agency Formation Commission adopted a zero sphere of influence for the San Bernardino Valley Water Conservation District and directed that a consolidation of the two districts be pursued as the most cost-effective governmental structure.
6. **Would the proposal create a totally or substantially surrounded island of unincorporated territory?**
YES ___ NO X If YES, please provide a written justification for the proposed boundary configuration.

LAND USE AND DEVELOPMENT POTENTIAL

1. **Total land area (defined in acres):**
Approximately 225,000 acres
2. **Current dwelling units in area:**
Specific data for the territory within the proposed consolidation area is not available. The San Bernardino Association of Governments (SANBAG) has estimated 284,490 dwelling units for Year 2006 for the cities and communities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Highland, Grand Terrace, Yucaipa and unincorporated areas.
3. **Approximate current population in area:**
Based on 2000 Census data, approximately 600,000 people reside within the boundary of SBVMWD. Of this amount, approximately 200,000 reside within the SBVMWD boundary.
4. **Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):**
The territory within the proposed consolidation area includes both incorporated and unincorporated areas. Because the San Bernardino Valley Municipal Water District's boundaries encompass a majority of the eastern San Bernardino Valley, the area includes all of the General Plan land use designations for the Cities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Highland, Grand Terrace, and Yucaipa.

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):
The territory within the proposed consolidation area includes both incorporated and unincorporated areas. Because the San Bernardino Valley Municipal Water District's boundaries encompass a majority of the eastern San Bernardino Valley, the area includes the 18 General Plan land use designations shown in the Draft San Bernardino County General Plan.
5. **Describe any special land use concerns expressed in the above plans.**
The consolidation proposal does not propose or anticipate any land use changes that would conflict with applicable land use plans.

6. Indicate the existing land use.

Existing land uses within the proposed consolidation area range from urban development including residential, commercial and industrial uses, with some agricultural land uses in the eastern portion. There are areas designated as open space and wildlife corridors. The northern boundary of the San Bernardino Valley Municipal Water District extends into the southern portion of the San Bernardino National Forest.

What is the proposed land use?

No change in land use is proposed.

7. For a city annexation, State law requires pre-zoning of the territory proposed for annexation.

Not applicable

Provide a response to the following:

a. Has pre-zoning been completed? YES ___ NO ___

b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ___ NO ___
Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

<input checked="" type="checkbox"/> Agricultural Land Uses	<input checked="" type="checkbox"/> Agricultural Preserve Designation
<input checked="" type="checkbox"/> Williamson Act Contract	<input checked="" type="checkbox"/> Area where Special Permits are required
<input type="checkbox"/> Any other unusual features of the area or permits required:	

9. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

Not applicable

10. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)?

YES ___ NO ☒ If YES, please explain.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography.

The topography generally slopes from the foothills of the San Bernardino National Forest down to the San Bernardino Valley floor. The Santa Ana River is a major feature traversing the area, providing a major water supply source for groundwater recharge as well as drainage and flood control.

2. Describe any existing improvements on the site as % of total area.

Not Applicable

Residential _____ % Agricultural _____ %
Commercial _____ % Vacant _____ %
Industrial _____ % Other _____ %

3. Describe the surrounding land uses:

NORTH San Bernardino National Forest
EAST San Bernardino National Forest
SOUTH Urban and suburban development within the County of Riverside
WEST Urban and suburban development within the Chino Basin

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

None

5. Will service extensions accomplished by this proposal induce growth on this site? No service extensions are proposed.

YES ___ NO X Adjacent sites? YES ___ NO X

Unincorporated X Incorporated X

6. Is this project a part of a larger project or series of projects?

YES ___ NO X If YES, please explain.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME: San Bernardino Valley Municipal Water District
Attention: General Manager
1350 South "E" Street
P.O. Box 5906
San Bernardino, CA 92412-5906
(909) 387-9200 / (909) 387-9247 fax

NAME: San Bernardino Valley Municipal Water District
Attention: Mr. Doug Headrick, Deputy General Manager
1350 South "E" Street
P.O. Box 5906
San Bernardino, CA 92412-5906
(909) 387-9226 / (909) 387-9247 fax

NAME: Downey Brand Attorneys LLP
Mr. David Aladjem
555 Capitol Mall, 10th Floor
Sacramento, CA 95814-4686
(916) 441-0131 / (916) 441-4021 fax

CERTIFICATION

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief. I understand that if this proposal is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

DATE November 17, 2006

Robert L. Reiter
SIGNATURE OF APPLICANT

Robert L. Reiter
PRINTED NAME OF APPLICANT

Gen. Mgr. and Chf. Eng.
TITLE

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☒ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
☐ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
☐ CITY INCORPORATION SUPPLEMENT
☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
☐ ACTIVATION OF LATENT POWERS SUPPLEMENT

APPLICATION TO BE SUBMITTED TO:
LOCAL AGENCY FORMATION COMMISSION
215 North D Street, Suite 204
SAN BERNARDINO, CA 92415
PHONE: (909)383-9900 FAX: (909) 383-9901
E-mail address: lafco@lafco.co.san-bernardino.ca.us

SUPPLEMENT

ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the Commission, staff and others to adequately assess the project. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

CONSOLIDATION OF THE
San Bernardino Valley Water Conservation District and the
San Bernardino Valley Municipal Water District

SUCCESSOR AGENCY
San Bernardino Valley Municipal Water District

2. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

No

3. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be consolidated?

Yes. The groundwater assessment charged to groundwater producers by the San Bernardino Valley Water Conservation District will end. Under its principal act (the Municipal Water District Law of 1911), the San Bernardino Valley Municipal Water District does not have the authority to impose groundwater assessment charges. In addition, the San Bernardino Valley Municipal Water District intends to forego any claim to the ad valorem taxes that now accrue to the San Bernardino Valley Water Conservation District.

4. Provide a description of how the proposed change will assist the successor agency in achieving its fair share of regional housing needs as determined by SCAG.

Not applicable.

5. PLAN FOR SERVICES:

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- a. A description of the level and range of each service to be provided to the affected territory.
- b. An indication of when the service can be feasibly extended to the affected territory.
- c. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- d. The estimated cost of extending the service and a description of how the service or required improvements will be financed. A discussion of the sufficiency of revenues for anticipated service extensions and operations is also required.

- e. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- f. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE Nov 17, 2005

Robert L. Reiter
SIGNATURE OF APPLICANT

Robert L. Reiter
PRINTED NAME OF APPLICANT

Gen Mgr and Chf. Engr.
TITLE

/krm – 12/8/2000